

REMARKS

Request for Reconsideration

Applicants have carefully considered the matters raised by the Examiner in the Final Office Action dated October 13, 2005 but remain of the position that patentable subject matter is present. Applicants respectfully request reconsideration of the Examiner's position based on the attached Declaration of Mr. Okano and the following remarks.

Claims Status

Claims 1-12 are pending in this Application while Claims 3, 4, and 10-12 have been withdrawn from consideration. This leaves Claims 1, 2 and 5-9 currently under prosecution. No amendments have been made herein.

Invention

One of the novel aspects of the present Invention is the combination of an imidazole compound along with an aminopolycarboxylic acid iron complex having an Fe(II) ratio of not less than 50 mol %. In order to demonstrate the unique aspects of such a combination, tests have been performed and those tests are presented by way of a Declaration of Mr. Okano.

At the outset, it should be noted that Mr. Okano's Declaration is unexecuted, however, the data contained therein originated with the Declarant and is, therefore, deemed to be reliable. The original Declaration has been sent to Mr. Okano for execution and, as soon as the completed document is received, it will be filed in this case. In the meantime, the Examiner is respectfully requested to consider the data reported in Mr. Okano's Declaration for purposes of advancing prosecution of this Application.

Rejection

The claims have been rejected based on the combination of Kuykendall and Kamada. Kuykendall had been cited to teach a concentrated bleach fixing composition having an aminocarboxylic acid iron complex having an Fe(II) ratio of not less than 50 mol %. The Examiner recognized that Kuykendall does not teach use of an imidazole compound. Thus, the Examiner turned to Kamada to teach the use of imidazole compounds. Applicants traverse this rejection based on the fact that, when an imidazole compound is used in combination with a polycarboxylic acid iron complex having an Fe(II) of not less than 50 mol %, the results are dramatically improved compared to either the aminocarboxylic acid iron complex having an Fe(II) ratio of not less than 50 mol

% by itself or a bleach fixing solution having an imidazole compound without the required Fe(II) ratio of not less than 50 mol %.

In order to demonstrate Applicants' position, the test results, which are reported in Mr. Okano's Declaration, should be reviewed. First, the Examiner's attention is directed to Table 10B of the Declaration. As shown in Table 10B, four different imidazole compounds were tested throughout the range taught by the Application, namely, 0.01 to 2.5 mols/l. It can be seen that, throughout the range of the imidazole compound, an improvement of about 2 to 10 times in both whiteness and stain, is obtained compared to a bleach fixing solution which contains no imidazole compound.

Applicants have also tested bleach fixing solutions which contain imidazole compounds but have a Fe(II) ratio of less than 50 mol %. These results are reported in Table 10C. In Table 10C, the Fe(II) ratio is 40%. The purpose of Table 10C is to demonstrate that the imidazole by itself does not provide any improvement in either whiteness or stain.

In fact, by comparing Tables 10B and 10C, it can be seen that one must combine both the Fe(II) ratio of 50 mol % or more with the imidazole to obtain the dramatic improvement.

It is respectfully submitted that such a dramatic improvement is demonstrated in Tables 10B and 10C and patentability has clearly been established.

In the final Office Action, the Examiner had criticized the previously-submitted Declaration. One of the criticisms was that the amount of imidazole was not tested throughout the range taught in the Application. In order to address this fact, the tests, as presented in Mr. Okano's Declaration, contain additional test data at 0.02 and 2.0. Respectfully, these additional data points, when combined with the original data points, provide a spectrum of results throughout the range taught in the Application for the amount of imidazole.

The Examiner had also criticized the previous Declaration as not demonstrating an adequate number of imidazole compounds. In Mr. Okano's current Declaration, there are four different compounds tested. Those four imidazole compounds are listed at the bottom of Table 10B. It is respectfully submitted that

Applicants have demonstrated an adequate variety of imidazole compounds to demonstrate the patentability of the claimed Invention.

The Examiner had also criticized the previous Declaration because tests were presented using a ferrous ratio of 40 mol % and such was deemed to be improper. Applicants agree with the Examiner that Kuykendall teaches more than 50 mol % of ferrous iron, however, the purpose of the tests at 40 mol % was not to demonstrate Kuykendall but, rather, to demonstrate what one of skill in the art would expect from the addition of imidazole compound with an aminocarboxylic acid iron complex having the ferrous iron (Fe(II) compounds. In other words, the purpose of the 40% tests, which are contained within Table 10C, is to demonstrate that the imidazole compound in and of itself does not provide the improved whiteness in stain. As can be seen by Table 10C, imidazole compounds by themselves have virtually no effect on whiteness and stain. It is the combination of the imidazole compound and the ferrous ratio of 50 mol % or more that results in the improvement.

The improvement provided by the present Invention is not a mere trifle. The improvement provided by the present Invention is about 2 to 10 times that of either the 50% ferrous ratio or the use of the imidazole compound by itself.

It is recognized that Kuykendall teaches a ferrous ratio of 50 mol % or more. Such a material is tested and shown in Experiment No. 119. The whiteness and stain for that material is 0.1 and 0.11, respectively. Likewise, the whiteness and stain for the bleach fixing composition containing just imidazole and a lower ratio of ferrous iron, is approximately the same, 0.08 to 0.1 and 0.1, respectively, see Table 10C. Thus, one of skill in the art, when looking at the data in Tables 10B and 10C, would clearly expect no improvement in whiteness or stain.

This is, however, not what Applicants found. Applicants found improvement of about 2 to 10 times that of the prior art. Such a dramatic improvement clearly is patentable.

Conclusion

In view of the foregoing and the enclosed, it is respectfully submitted that the Application is in condition for

extensions of time or fees be necessary in order to maintain this Application in pending condition, appropriate requests are hereby made and authorization is given to debit Account # 02-2275.

Respectfully submitted,

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Encl: Unexecuted Declaration of Mr. Satoshi Okano